

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

**Thorsten Heinzel**

Examiner: AEDER, SEAN E

Serial No.: 10/528,104

Group Art Unit: 1642

Filed: SEPTEMBER 28, 2005

Confirmation Number: 3483

Title: **USE OF MOLECULAR MARKERS FOR THE PRECLINICAL AND CLINICAL PROFILING OF INHIBITORS OF ENZYMES HAVING HISTONE DEACETYLASE ACTIVITY**

**BRIEF ON APPEAL UNDER 37 C.F.R. § 41.37**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Non-Compliance mailed March 9, 2010, in response to Appellants' Brief on Appeal filed June 30, 2008, please consider the following:

An amended Section (V) "Summary of Claimed Subject Matter" is enclosed herewith